

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

DELILAH HEARN

PLAINTIFF

VS.

CAUSE NO. 1:18CV-00095-SA-DAS

TONY DAVIS, In His Individual Capacity,
SHANE LATCH, In His Individual Capacity,
ALCORN COUNTY, MISSISSIPPI and
XYZ INSURANCE COMPANY

DEFENDANTS

RESPONSE IN OPPOSITION TO
DEFENDANT, TONY DAVIS AND SHANE LATCH'S
MOTION FOR JUDGMENT ON THE PLEADINGS
BASED ON QUALIFIED IMMUNITY

COMES NOW plaintiff, Delilah Hearn, by and through counsel, and files her Response in Opposition to Defendants, Tony Davis and Shane Latch's Motion for Judgement on the Pleadings Based on Qualified Immunity, stating the following:

1. Plaintiff's Complaint [Doc. 1] does state sufficient facts to show that defendants, Davis and Latch, violated her constitutional rights under the Fourth Amendment for unreasonable seizure with excessive force which caused injuries and damages to the plaintiff. Furthermore, in response to defendants' motion, plaintiff has filed her Motion to File First Amended Complaint [Doc. 14-1] which includes greater specificity of facts that certainly cure alleged deficiency in the initial pleading as to liability of defendants, Davis and Latch. In viewing these well pleaded facts in light most favorable to the plaintiff, the Court should draw reasonable inference that the defendants are liable for the alleged misconduct and deny defendants' motion.

WHEREFORE, PREMISES CONSIDERED, plaintiff respectfully requests that defendants, Tony Davis and Shane Latch's Motion for Judgement on the Pleadings Based on Qualified Immunity

be denied.

Respectfully submitted this 23rd day of July, 2018.

/s/ R. H. Burress, III
R. H. BURRESS, III, MSB# 8660
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CERTIFICATE OF SERVICE

I hereby certify that on this date, I, electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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This the 23rd day of July, 2018.

/s/ R. H. Burress, III
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